

REMARKS

Claim Rejections

The Examiner has rejected claims 23-30 as being anticipated under 35 U.S.C. § 102(b) by Von Oepen et al. (EP 0 958 794 A2; U.S. Patent No. 6,652,573). The Examiner has also rejected claims 23-30 as being anticipated under 35 U.S.C. § 102(e) by Levinson et al. (U.S. Patent No. 6,352,522). The Examiner has also rejected claims 23-24 and 27-28 as being anticipated under 35 U.S.C. § 102(e) by Penn et al. (U.S. Patent No. 6,796,997). The Examiner has also rejected claims 1-7 as being unpatentable under 35 U.S.C. § 103(a) over Von Oepen et al. The Examiner has also rejected claims 9-10 as being unpatentable under 35 U.S.C. § 103(a) over Von Oepen et al. in view of Penn et al. The Examiner has stated that claim 8 would be allowable if rewritten in independent form to include all of the limitations of the base claim and any intervening claims.

Applicant has carefully considered the Examiner's comments. In order to clarify the scope of the claims, Applicant has amended claims 1, 4 and 23-24. Applicant has also added new claims 31-39. Claims 2-3 and 26-30 have been cancelled. Claims 11-22 were previously cancelled. Applicant respectfully submits that the prior art of record does not disclose all of the limitations of the claims as now presented. Moreover, there is no suggestion or motivation to combine the prior art to achieve Applicant's claimed inventions. Each of the claims are distinguishable from Von Oepen et al., Levinson et al. and Penn et al. as explained below.

Claim 1 requires a stent structure that has at least seven ring structures and six groups of connector segments. Each of the ring structures form a serpentine pattern of unit structures, where each unit structure is defined by two lateral arms that are shared with adjacent unit structures. Each of the unit structures has a central region defined by a peak disposed between two valleys. The peak is further defined as being shorter than the lateral arms. Each of the connector segments have an undulating portion. Circumferentially adjacent undulating portions of the third and fourth connector segments are axially displaced from each other. Circumferentially adjacent undulating portions of the first, second, fifth and sixth connector segments are axially aligned with

each other. In other words, the stent structure has a first portion with two axially adjacent connector segments where the undulating portions are axially aligned with circumferentially adjacent undulating portions. Adjacent the first portion is a second portion of the stent structure with two axially adjacent connector segments where the undulating portions are axially displaced from circumferentially adjacent undulating portions. Adjacent the second portion is a third portion of the stent structure with two axially adjacent connector segments where the undulating portions are axially aligned with circumferentially adjacent undulating portions.

Claim 23 requires that the stent structure be made up of ring structures comprising unit structures with lateral arms that are shared with adjacent unit structures. Each of the unit structures has a central region defined by a peak disposed between two valleys. The peak is further defined as being shorter than the lateral arms. The stent structure also has a first, second and third portion with first, second and third connector segments, respectively. The second portion is disposed between the first and third portions of the stent. Each of the connector segments has an undulating portion. The undulating portions of the second connector segments are axially displaced from the undulating portions of circumferentially adjacent connector segments. The undulating portions of the first and third connector segments are axially aligned with the undulating portions of circumferentially adjacent connector segments.

Claim 31 is based upon allowable claim 8. Accordingly, all of the limitations of previously presented claims 1, 7 and 8 have been incorporated into claim 31. No substantive change has been made to allowable claim 8 as presented in claim 31. Therefore, claim 31 is allowable as presented.

Claim 37 requires that the stent structure be made up of ring structures comprising unit structures with lateral arms that are shared with adjacent unit structures. Each of the unit structures has a central region defined by a peak disposed between two valleys. The peak is further defined as being shorter than the lateral arms. The stent structure also has a plurality of connector segments joining the ring structures. Each of the connector segments has an undulating portion. The connector segments are joined to the peak of a central region of one ring structure and to a peak of a central region of an adjacent ring structure. The connector segments are defined as being

generally straight along the longitudinal axis of the stent. The undulating portions of the connector segments are also defined as being substantially identical to each other.

None of the prior art of record discloses all of the limitations of Applicant's claims as presented. In particular, there is no embodiment in Von Oepen et al., Levinson et al. or Penn et al. that discloses the combination of features claimed in claims 1, 23, 31 and 37. Accordingly, Applicant's independent claims are allowable over the prior art of record. The prior art of record also fails to disclose the additional limitations, or a motivation to combine the required limitations, of dependent claims 4-10, 24-25, 32-36 and 38-39. Because each of these claims incorporate all of the limitations of allowable claims 1, 23 and 37 from which they depend, claims 4-10, 24-25, 32-36 and 38-39 are also allowable. Therefore, any further arguments that could be made at this time in support of the additional limitations of Applicant's dependent claims would be superfluous and unnecessary. *In re Fine*, 837 F.2d 1071, 1076 (Fed. Cir. 1988); *W.L. Gore & Associates, Inc. v. Garlock, Inc.*, 721 F.2d 1540, 1555 (Fed. Cir. 1983).

Conclusion

In response to the Examiner's comments, Applicant has amended claims 1, 4, and 23-24. Applicant has also added new claims 31-39. Claims 2-3 and 26-30 have been cancelled. Claims 11-22 were previously cancelled. Claims 1, 4-10, 23-25, 31-39 are currently pending in the application. Applicant respectfully submits that none of the prior art of record discloses all of the limitations of the claims as now presented. Moreover, there is no suggestion or motivation to combine the prior art to achieve Applicant's claimed inventions. Therefore, Applicant's claims are allowable. Accordingly, Applicant requests reconsideration and allowance of the application.

Respectfully submitted,

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